N. 2,

TRANSLATION

OF THE

Treaty of *Commerce*,

Made and Sign'd at BARCELONA,

BETWEEN

The QUEEN of *Great Britain*, and CHARLES III.

On the 10th Day of *July* 1707.

K. Great Britain and Ireland, Anne, Queen

LONDON,
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Treaty of COMMERCE *made at* Barcelona *the* 10*th of* July, 1707.

CHARLES III. by the Grace of God King of *Caſtile*, *Leon*, *Aragon*, of both *Sicilys*, *Jeruſalem*, and alſo of the *Indies*, &c. Archduke of *Auſtria*, Duke of *Milan*, *Burgundy* and *Brabant*, Earl of *Hapsburg*, *Flanders*, and *Tirol*, &c. To all and ſingular to whom theſe preſent Letters ſhall come, Greeting.

Whereas a Treaty betwixt Us and the moſt Serene and Potent Princeſs *ANNE*, Queen of *Great Britain*, &c. containing not only the Renovation and Confirmation of all Treaties of Friendſhip and Commerce, made betwixt our Kingdoms on both ſides, but others tending to cultivate and corroborate mutual Friendſhip and Benevolence betwixt us, was concluded and ſign'd at *Barcelona* the 10*th* Day of *July* laſt, in the following Words.

WHereas the antient Friendſhip, and Courſe of Trade and Commerce, carry'd on for ſo many Years betwixt the Subjects of *Great Bri-*

tain and *Spain*, has been of late interrupted and diſturb'd; and whereas the moſt Serene and Potent Princeſs *ANNE*, Queen of *Great Britain*, and the moſt Serene and Potent Prince *CHARLES* III. King of *Spain*, are very deſirous to renew the antient Friendſhip and Courſe of Trade and Navigation, betwixt their Subjects on both ſides, and firmly to eſtabliſh by ſtricter Bonds, what has been found by many Years experience to be highly advantageous to both Kingdoms: Her Majeſty of *Great Britain* has thought good, for this end, to conſtitute and appoint *James Stanhope* Eſq; General of the Armies of the moſt Serene Queen of *Great Britain*, Counſellor of the Kingdom of *Great Britain*, Envoy Extraordinary and Plenipotentiary, *&c.* And his Catholick Majeſty has alſo thought fit to nominate and appoint *Anthony Florianus*, Prince of the Sacred *Roman* Empire and of *Lichtenſtein*, Knight of the Golden Fleece, Chief Governour of his Sacred Imperial Majeſty's Court and Stable, and *Emanuel Joachim Garci Alvarez de Toledo* and *Portugal*, of *Oropeza* and *Alcauditte* Count; and *Joſeph Folc* of *Cardona*, Count of *Cardona*, Great Admiral of *Aragon*, Privy Counſellor of his Catholick Majeſty, to negotiate and treat Matters belonging to Commerce and Navigation: Who being both of them provided with ſufficient Full Powers, as appears by the Letters Patents, the Copys of which are ſubjoin'd to the end of this Treaty; by power and virtue whereof, having had frequent

quent Meetings and Conferences, they have conſented and agreed to the following Articles.

I.

It is concluded and agreed, That there ſhall be an univerſal, perfect, and ſincere Peace, betwixt the Queen of *Great Britain* and the King of *Spain*; as alſo betwixt their Heirs, Succeſſors, and the Subjects of both Nations, and the Territories, Dominions, and Kingdoms ſubject to either, to be obſerved and continued from this day forward; and that their Inhabitants and People, of whatever Rank and Degree, ſhall for time to come reciprocally help, aſſiſt, and ſhew to one another all manner of Love, good Offices, and Friendſhip.

II.

'Tis agreed, That all and ſingular the Treatys of Peace, Friendſhip, Agreement, Confederacy, Free Commerce and Navigation, which have been betwixt both Crowns in any time paſt, and eſpecially thoſe to be mention'd in the Cloſe of this Article, ſhall be held to be as firmly renew'd and eſtabliſh'd, by virtue of this preſent Treaty, as if they were here inſerted *verbatim*; provided they be not contradictory to one another, nor any way leſſen the Force of theſe preſent Articles, and ſo as the Articles and Heads concluded and agreed on by the lateſt Treaty ought to be fulfill'd, according to the Senſe expreſs'd and declar'd in the ſaid lateſt Treaty, without regard in that caſe

caſe to any former Treaty. That the Royal Cedula's or Patents, which contain divers Privileges granted by the moſt Serene and Powerful Prince *Philip* IV. of pious Memory, and are alſo confirm'd by the Treaty of *May* $\frac{13}{23}$, 1667. of which, mention is herein afterwards to be made: And that likewiſe all other Grants formerly made by his moſt Serene Catholick Majeſty, or any other King of *Spain*, ſhall have the ſame Force and Effect with this preſent Treaty, or others therein confirm'd.

III.

And whereas amongſt ſo many late Commotions and Tumults, that have diſturb'd the Peace and Tranquillity of *Spain*, (in which the Queen of *Great Britain* and her Subjects have intereſted themſelves, for no other end but to promote the publick Advantage and Safety of the *Spaniſh* Dominions) there have been very many Priſoners taken on both ſides, and that many are likewiſe detain'd in Priſon, eſpecially in *America*; That the Peace now enter'd into, and the Confederacy, may be compleatly and in all points duly obſerv'd, it is agreed and concluded by virtue of this Treaty, That all the Subjects on both ſides, of what Rank, Degree, and Condition ſoever, who have been made Priſoners by either, whether in *America* or any where elſe, ſhall be reſtor'd and ſet at liberty as ſpeedily as poſſible; and every one whom it may concern, Vice-Roys, Governours, Generals, Miniſters and Officers, appointed either

by

by the Queen of *Great Britain*, or the King of *Spain*, in the *Weſt Indies*, or other Places, ſhall take care, as ſoon as 'tis requir'd of them, that all Priſoners ſhall immediately be ſet at liberty without Charge or Ranſom, and allow'd to embark on any Ships or Veſſels which ſhall be ſent to receive them.

IV.

All Merchandize, Things, and Goods of what Species ſoever, which the Subjects of *Great Britain* import into *Spain* (for which any time before this, Cuſtoms under the Name of Conſumption, or other Tolls us'd to be demanded) ſhall not be oblig'd to pay the ſaid Tolls, till Six Months after the Day that the ſaid Merchandize, Things, and Goods are unloaded, or until they are really ſold and deliver'd.

V.

It is agreed and concluded, That the Subjects of *Great Britain* may bring and import into the Dominions of *Spain*, all ſorts of Goods, Wares, Manufactures and Fruits, the Produce of the Dominions of *Morocco*, which they load in their own Name and on board their own Ships; nor ſhall any greater Toll be demanded for the ſame than uſual, altho the ſaid Goods be not carry'd thro any of the Gariſon Towns in *Africa*, or other Places under the Dominion of the King of *Spain*.

VI.

That the Merchants, and other Subjects trading in the Dominions of *Spain* and *Great Britain*, may certainly be able to know and underſtand what Duties may be lawfully demanded of them, and that all Occaſions of Controverſy and Diſpute about the Payment of Tolls and Impoſts may be prevented; Books of Rate, commonly call'd *Fueros*, containing an exact Account of the Cuſtoms and Impoſts agreed upon by Commiſſioners from the Queen of *Great Britain* on the one ſide, and Commiſſioners from the King of *Spain* on the other, ſhall be adjuſted and eſtabliſh'd in Twelve Months after the Signing of this Treaty, unleſs it be agreed and concluded either beforehand, or in the laſt Article of the Treaty: And the ſaid Books of Rates, or *Fueros*, ſhall be publiſh'd thro all the *Spaniſh* Dominions, and have equal Force and Virtue as if they were annex'd to this preſent Treaty. And the Subjects of *Great Britain* ſhall not be oblig'd to pay any other or greater Tolls or Duties for the Merchandize and Goods particularly ſpecify'd in the Books of Rates, than what is therein ſet down; and for all other Goods not mention'd in thoſe Tables, the Rate of Seven *per Cent.* ſhall be demanded upon the Credit of the Inſtrument, declaring the Charge and Prices of the Merchandize and Goods, which ſhall be exhibited by the Merchant or Factor, confirm'd by Witneſſes or Oaths.

VII.

VII.

Whereas it is declared in the Seventh Article of the aforeſaid Treaty of *May* $\frac{13}{23}$. 1667. that all the Goods, Eſtates, Merchandize, Ships, and Veſſels, or other things whatever, carry'd into the Dominions or Places ſubject to the Crown of *Great Britain*, as Prize, and in the ſaid Dominions and Places judg'd and condemn'd as lawful Prize, were by virtue of that Article taken for Goods and Merchandize of the Product of the Iſlands of *Great Britain*; 'tis agreed and concluded, That for time to come, all Goods taken as Prize, by Ships of War, ſet out either by the Queen of *Great Britain*, or by private Subjects of *Great Britain*, ſhall without any Difference be eſteem'd as Merchandize, and Goods of the Produce of the *Britiſh* Iſlands.

VIII.

'Tis agreed and concluded in the laſt place, That the moſt Serene Queen of *Great Britain*, and the moſt Serene King of *Spain*, ſhall confirm and ratify all and ſingular the Compacts, Capitulations, Articles, Conceſſions, and all other the Conventions aforeſaid whatſoever, by Letters Patents under their reſpective Great Seals, ſign'd and drawn up in valid, ſufficient, and effectual Form, and interchangeably deliver the ſame within Ten Weeks after the Date of theſe Preſents. In Witneſs whereof We the aforeſaid Plenipotentiary of *Anne* Queen of

Great Britain, and the aforesaid Plenipotentiaries of the most Serene *Charles* III. King of *Spain*, have Sign'd and Seal'd these present Articles at *Barcelona*, the 10 of *July* 1707.

James Stanhope. (L. S.)

Anthony Florianus Prince of *Lichtenstein.* (L. S.)

Count of *Oropeza.* (L. S.)

Great Admiral of *Aragon.* (L. S.)

Follows

Follows the Tenour of the Commiſſion by the moſt Serene King of Spain.

CHARLES III. King of *Caſtile*, *Leon*, *Aragon*, and both *Sicilys*, of *Jeruſalem* and the *Indies*, &c. Archduke of *Auſtria*; Duke of *Milan*, *Burgundy*, and *Brabant*; Count of *Hapsburg*, *Flanders*, and *Tirol*, &c. Since 'tis highly expedient again to eſtabliſh the Friendſhip and very antient Leagues that have been obſerv'd for ſo many Years betwixt the Kings of *Spain* and *Great Britain*, and for the common and greater Advantage of both Nations, ſo to confirm them by the Bonds of Commerce and perpetual Trade, as they may never be violated by the Viciſſitudes of Time; and knowing that the moſt Serene and Potent Queen of *Great Britain*, our good Siſter, has for that end given ſufficient Authority and full Powers to *James Stanhope* her Envoy Extraordinary: Being therefore deſirous, that this good Work may be the ſooner brought to Perfection, and ſince we know the Faithfulneſs, Prudence and Ability for diſpatching Buſineſs, of *Anthony Florianus* Prince of *Lichtenſtein* in the Holy *Roman* Empire, Duke of *Kicolſpurg*, *Oppaw* and *Jagendorf* in *Sileſia*, Count of *Ritberg*, Hereditary Lord in *Rumsburg* and *Hauſkyrchen*, Knight of the Golden Fleece, one of

our Privy Council, and Chief Preſident of our Court and Stable; alſo *Emanuel Joachim Garci Alvarez a Toledo Portugal, Cordova, Zuniga, Pimentel, Requeſens, Monroi*, and *Ayala*, Count of *Oropeza, Alcaudete, Belbis* and *Deleitoſa*, Marquiſs of *Flechilla, Villar* and *Jarandilla*, and Hereditary Lord in *Montemayor, Cebolla* and *Baldarago*, Royal Sword-Bearer in the Kingdoms of *Caſtile* and *Leon*, Commendator of *Albanilla*, of the Illuſtrious Order of *Calatrava*, one of our Privy Council and Bed-Chamber, and Captain General of the Kingdom of *Toledo*, and of the Provinces of *New Caſtile*; and *Joſeph Folc a Cardona, Eril* and *Borſa*, Count of *Cardona*, Great Admiral of *Aragon*, Knight of the Great Croſs, and Lieutenant General of the Illuſtrious Order of *Monteſſa*, and alſo our Privy Counſellor. Not doubting but they will execute their Commiſſion with all the Exactneſs that an Affair of ſo great weight requires, We have willingly decreed to give them full Power and Authority, and likewiſe a General and Special Command, as by virtue of theſe Preſents we do give and grant, that they may treat and eſtabliſh with the ſaid *James Stanhope*, who has the like full Power and Authority from the Queen of *Great Britain*, whatever ſhall be thought fit to be done and agreed on relating to the foreſaid Affair of perpetual Friendſhip, Leagues and Commerce; promiſing that we ſhall approve, ratify and eſtabliſh whatever our foreſaid Commiſſioners and Plenipotentaries conclude and promiſe

miſe in our Name, and confirm the ſame by Oath, with all the Solemnities requiſite to make it more firm, within the time prefix'd: and we ſhall carefully endeavour that the ſame be exactly and irrevocably put in Execution. In Teſtimony of which, we have ſign'd theſe Preſents with our Hand, order'd them to be confirm'd by our Seal, and counterſign'd by our Underwritten Secretary. Dated at *Barcelona*, *June* the 30th 1707.

Sign'd, *CAROLUS.*

Subſcrib'd by Command of his Royal and Catholick Majeſty,

Joannez Antonius Romeo and *Anderaz.*

Follows

Follows the Tenor of the Commiſſion by the moſt Serene Queen of Great Britain.

ANNE R.

ANNE, by the Grace of God, Queen of *Great Britain*, *France*, and *Ireland*, Defender of the Faith, *&c.* To all and ſingular to whom theſe Preſents ſhall come, Greeting. Since it has pleas'd the Great and Good God ſo far to bleſs our Arms, and thoſe of our Confederates, that now a large part of the *Spaniſh* Dominions, in *Spain* and the *Netherlands*, is reſtor'd to the Houſe of *Auſtria*, in the Perſon of the moſt Serene and Potent Prince *Charles* III. the Catholick King of *Spain*, our good Brother; and that there's no doubt, but by the Bleſſing of God the ſaid King may be firmly eſtabliſh'd in a ſhort time on the Throne of his Anceſtors: We have reſolv'd to renew the antient Leagues betwixt the Kingdoms of *Great Britain* and *Spain*, and to confirm them by ſtricter Ties of Friendſhip, and ſuch further Terms for Commerce, as ſhall be found moſt for the advantage of both Nations. Know ye therefore, that placing much Confidence in the Fidelity, Prudence, and Diligence of our Truſty and Well-beloved *James Stanhope*, our Envoy Extraordinary to the ſaid King, we have made, conſtituted, and appointed him to be our true and certain Commiſſioner, Deputy, and Plenipotentiary, giving and granting to him full and ample Power and Authority, and alſo a general

general and ſpecial Command to treat in our Name with the ſaid Catholick King, and his Commiſſioners, Deputies, and Proctors, having ſufficient Power for this purpoſe, about preſerving and increaſing the antient Friendſhip; and for that end to renew and more ſtrictly confirm the Articles of antient Treaties betwixt both Kingdoms, and alſo about the Liberty and Frequency of Commerce betwixt our Subjects on both ſides (as he ſhall find it convenient for the common Advantage of both Nations) to commune, treat, agree, and conclude upon the moſt profitable and convenient Articles and Conditions, and of doing all and every other thing or things which may make and conduce towards the Ends aforeſaid, or any of them; and upon theſe things to diſpatch Articles, Letters, and neceſſary and proper Inſtruments: promiſing *bona fide*, and on our Royal Word, to agree to, ratify, and confirm all and ſingular that ſhall be done, covenanted and concluded betwixt the above-mention'd King, his Proctors, Deputies, and Commiſſioners, and our ſaid Envoy Extraordinary, on the Premiſes or any of them; and whatever ſhall be promis'd in our Name, faithfully and inviolably to obſerve, and cauſe to be obſerv'd. In Teſtimony whereof, we have made theſe Letters to be drawn up, ſign'd with our Hand, and confirm'd them with our Great Seal of *England*.

Given at our Palace of Kenſington, Nov. 21. *Anno Dom.* 1706. *and the Fifth of our Reign.*

WE

WE having ſeen and conſider'd the above-mention'd Treaty, have approv'd, ratify'd, agreed to, and confirm'd the ſame in all its Articles and Clauſes; as by theſe Preſents we do for Our ſelves, our Heirs, and Succeſſors, approve, ratify, agree to, and confirm the ſame; engaging, and on our Royal Word promiſing, that all and ſingular contain'd in the aforeſaid Treaty, we ſhall faithfully and religiouſly obſerve, and cauſe to be obſerv'd; and that as far as in us lies, we ſhall never ſuffer them to be violated or contravened by any one, or in any manner. And for the further Confirmation and Strengthning of the ſame, we have ſign'd theſe Preſents with our Royal Hand, and order'd our Great Seal to be affix'd to them.

Given at our City of Barcelona, *the 9th of* January, *Anno Dom.* 1708.

CAROLUS *R.*

Enroll'd in the Court of *Chancery* of our Sovereign Lady, *ANNE*, by the Grace of God, Queen of *Great Britain*, &c.

per Jonath. Gorſtelowe Snow, Prothonotar.

Secret

Secret Article.

CHARLES, by the Grace of God, King of *Caſtile*, *Leon*, *Aragon*, and both *Sicilys*, *Jeruſalem*, and the *Indies*, &c. Archduke of *Auſtria*, Duke of *Milan*, *Burgundy*, and *Brabant*; Count of *Hapsburg*, *Flanders*, and *Tirol*, &c. To all and ſingular to whom theſe Preſents ſhall come, Greeting.

Whereas a certain Secret Article betwixt Us and the moſt Serene and Potent Princeſs *ANNE* Queen of *Great Britain*, was Concluded and Sign'd at *Barcelona* the 10th Day of *July* laſt, in the following words.

THE moſt Serene and moſt Potent Princeſs *ANNE* Queen of *Great Britain*, and *CHARLES* III. King of *Spain*, being deſirous to knit the Ties of the Friendſhip and Alliance now concluded in ſuch a manner, as that the mutual Conveniences and Advantages of it may redound ſo viſibly to the Benefit of the Subjects of both Crowns, that their common Intereſts may cement an eternal and indiſſoluble Union between them; and conſidering that the moſt effectual and proper Means to this End will be to form a Company of Commerce to the *Indies*, by which it being ob-

tain'd that thoſe vaſt and rich Provinces of the Dominions of his Catholick Majeſty, will enable the Monarchies of *Great Britain* and *Spain* to make ſuch Diſpoſitions of Forces, as ſhall by curbing their Enemies, ſecure to their Subjects an univerſal and laſting Peace and Tranquillity.

It is therefore concluded and agreed, by virtue of this Secret Article, That ſuch a Company of Commerce as has been mention'd ſhall be formed, conſiſting of Subjects of *Great Britain* and *Spain* in the Dominions of the Crown of *Spain* in the *Indies*; and all the Meaſures taken which ſhall on both ſides be judg'd moſt proper and conducive to ſuch an Eſtabliſhment. But becauſe it is not poſſible at preſent to enter into the Particulars of ſuch a Settlement, becauſe the Duke of *Anjou* is at this time unjuſtly poſſeſs'd of thoſe Provinces of *Spain*, which are the principal Seats of Trade, and in which reſide the Perſons moſt underſtanding and proper to bring this Matter to a good Concluſion, 'tis reſerved to ſettle the Form which the ſaid Company of Commerce to the *Indies* ſhall have, till ſuch time as his Catholick Majeſty ſhall be poſſeſs'd of the Court of *Madrid*: Both their ſaid Majeſties, as well the moſt Serene Queen of *Great Britain*, as the moſt Serene Catholick King, obliging themſelves, as they do now oblige themſelves, that they will apply each on their part all the Meaſures which ſhall appear to them conducive to the compaſſing and perfection of ſo important a Buſineſs, and removing all

all the Difficulties and Impediments which might obſtruct it.

But in caſe unforeſeen Events and Accidents, which it ſhould not be poſſible to prevent, ſhould (which it is not believ'd) obſtruct and hinder, that ſuch a Company as has been mention'd ſhould have the deſir'd Settlement and Concluſion; in ſuch caſe his Catholick Majeſty does oblige himſelf, and promiſe for himſelf, and all the Kings his Succeſſors, that he will grant to the Subjects of her Majeſty of *Great Britain*, the ſame Privileges and the ſame Liberty of a free Trade to the *Indies*, which his Majeſty's own *Spaniſh* Subjects ſhall enjoy; a previous Security being given for the Payment of the Royal Duties, which by right belong to him.

His Catholick Majeſty obliging himſelf likewiſe, that from the Day that the General Peace ſhall be ſettled, and conſequently that his Majeſty ſhall be in poſſeſſion of the Dominions in the *Indies* belonging to the Crown of *Spain*, to the Day that the above-mention'd Company of Commerce ſhall be wholly ſettled and eſtabliſh'd; he will give licence and permiſſion, that the Subjects of the moſt Serene Queen of *Great Britain* may yearly and every year trade to all the Ports and other Places of the *Indies*, under the Dominion of the Crown of *Spain*, with Ten Ships of Five Hundred Tuns each, or more or fewer Ships, provided their whole Burden does not exceed in all Five Thouſand Tuns; in which Ships they ſhall be at liberty

to tranſport, ſell, and traffick for, in the above-mention'd Ports and Places of the *Indies*, all the Merchandizes and Commodities which his Catholick Majeſty's own *Spaniſh* Subjects are permitted to tranſport and traffick for; provided always that they pay, and ſatisfy all the Royal Duties which for the above-mention'd Merchandizes and Commodities ſhall belong to his Catholick Majeſty; and provided that the ſaid Ten Ships ſhall be regiſter'd in the Port of *Cadiz*, or in ſuch other Port of *Spain* as his Catholick Majeſty ſhall appoint, ſetting out from ſuch Port to ſail to the *Indies*, and giving an Obligation that from the *Indies* they ſhall return to the ſame Port of *Cadiz*, or to ſuch other Port as ſhall have been appointed, as has been ſaid, by his Catholick Majeſty, to be again regiſter'd, without touching before at any other Port of *Spain*, *Great Britain*, or *France*, except in caſe of being forced to do ſo by Storm. And they are to bring with them proper Certificates and Teſtimonies from the Governours and Miniſters of his Catholick Majeſty belonging to the Places where they ſhall have traded; to the end that it may appear that they have comply'd with what is here directed, with that Fairneſs and good Faith which is expected, and which has always been obſerv'd by the *Engliſh* Nation, in their Dealings with that of *Spain*.

His Catholick Majeſty will likewiſe permit that the above-mention'd Ten Ships of Trade be accompany'd by ſuch Number of her Ma-

jeſty

jeſty of *Great Britain*'s Ships of War, as ſhall be neceſſary for their greater Protection and Security; provided always that on board the ſaid Ships of War there may not be loaded any kind of Merchandize, they being to ſerve only, as has been ſaid, for Convoy to ſecure the above-mention'd Ten Ships of Trade: His Catholick Majeſty declaring likewiſe, as he does declare from this time forward, that he will not cauſe to be paid, or demand any Indults, or any other kind of Donative, on account of the Trade of the above-mention'd Ten Ships, contenting himſelf barely with the punctual Satisfaction of the Royal Duties, as hath been ſaid; for which end his Catholick Majeſty will cauſe the neceſſary Diſpatches and Orders to be given them, that no Miniſters of *Spain* in the *Indies* may give them any Diſturbance or Moleſtation, but rather all the Favour and Aſſiſtance they ſhall want. And the moſt Serene Queen of *Great Britain* does offer, and promiſe on her part, that the above-mention'd Ships of War ſhall both at the time of their going to, and returning from the *Indies*, take under their Convoy ſuch Ships belonging to his Catholick Majeſty, as ſhall be willing to make uſe of that Opportunity; provided that on this ſcore the ſaid Ships of her Majeſty of *Great Britain* may not be detain'd any longer time than they ſhall want for getting themſelves ready to go to Sea: And likewiſe on board the ſaid Ships of War they ſhall bring ſuch Plate, or other Effects, which ſhall be deliver'd them, belonging to his Catholick Majeſty,

jeſty, returning and delivering the ſame to the Perſons to whom they ſhall be conſign'd, with due Care and juſt Account of their own Diſcharge.

And it being evident to all Men, that the Forces with which the Crown of *France* has diſturbed *Europe*, have been furniſh'd and ſupply'd by the great Treaſures it draws, and has drawn from the *Spaniſh* Dominions in the *Indies*, by the fraudulent Introduction of their Commodities, and their Trade in thoſe Countries; and there being likewiſe no doubt to be made, but that the Excluſion of the *French* from that Trade is not of leſs Conſequence and Convenience to the Crowns that now treat, than that the Subjects of *Great Britain* and *Spain* ſhould enjoy it:

It is hereby agreed, ſettled, and concluded, between the moſt Serene Queen of *Great Britain* and the King of *Spain*, for themſelves and all the Kings their Succeſſors, That from this time forward for ever all *French* Men, being Subjects of *France*, ſhall be intirely excluded, as well out of the above-mention'd Company of Commerce, as out of all other kind of Trade with the Dominions of his Catholick Majeſty in the *Indies*, which they ſhall not be allow'd to manage either directly or indirectly, either in their own names or thoſe of others: The above-mention'd the moſt Serene the Queen of *Great Britain* and the King of *Spain* obliging themſelves, and all the Kings their Succeſſors, for-

forasmuch as this imports their Monarchies and Subjects, and the Universal Good and Quiet of *Christendom*, That they will never consent by any Article in a Treaty of Peace, or by any other Treaty publick or private, to any Matter which shall be repugnant to this Exclusion of the Subjects of *France* out of the above-mention'd Company, and out of any kind of Trade to the Dominions of his Catholick Majesty in the *Indies*. And that if on the one side the most Serene Queen of *Great Britain*, or on the other side his Catholick Majesty, or any of their Heirs and Successors, Kings or Queens of *Great Britain* and *Spain*, shall be wanting to this Agreement, by admitting either by an Article in a Treaty of Peace, or by any other Treaty publick or secret, as has been said, *French* Men being Subjects of *France*, either into the above-mention'd Company, or to the Commerce to the *Indies*; in such case, the Party so contravening, whether it be the most Serene Queen of *Great Britain* or the most Serene Catholick King, or either of their Heirs or Successors, shall not, nor ought not to have right to demand, and insist upon the Compliance of what is stipulated in this private Article; and consequently it shall remain at the liberty and free choice of the other Party, which shall have observ'd this Agreement, to annul or execute this secret Article, as to the said Party shall seem meet.

And I *James Stanhope*, Brigadier in the Armies of her Majesty of *Great Britain*, Senator

of

of *Great Britain*, Envoy Extraordinary from her Majeſty to the Catholick King, and appointed Commiſſary and Plenipotentiary to treat and conclude whatſoever relates to mutual Alliance and Commerce, as is expreſs'd in the Power, the Copy of which is added to the end of this Treaty; do by virtue of the Liberty which is thereby committed to me, in the Name of the moſt Serene and Potent Princeſs, *ANNE* Queen of *Great Britain*, agree and conſent to the foregoing Conditions and Agreements expreſs'd in this ſecret Article. And we Don *Florian* of the Sacred Empire, Prince of *Lichtenſtein*, &c. Don *Manuel Joachim Garcia Albares* of *Toledo* and *Portugal*, Count of *Oropeza*, &c. and Don *Joſeph Folc* of *Cardona*, *Enil*, and *Borgia*, Count of *Cardona*, Admiral of *Aragon*, &c. Commiſſaries Plenipotentiaries named by the moſt Serene and Potent Prince *Charles* III. King of *Spain*, to treat and conclude what relates to the Eſtabliſhment of the Friendſhip, Alliance, and Commerce, between *Great Britain* and *Spain*, as appears by the Powers given to us, of which a Copy is annex'd at the end of this Treaty, do agree in the Name of his Catholick Majeſty to all the Conditions and Agreements which are expreſs'd in this ſecret Article. And all we the abovemention'd Plenipotentiaries do promiſe, that this preſent Treaty ſhall be approv'd, confirm'd, and ratify'd, as well by the moſt Serene the Queen of *Great Britain*, as by the moſt Serene the Catholick King, in the moſt valid and due

Form;

Form; and likewiſe that the ſaid Ratifications on each ſide ſhall be deliver'd within the ſpace of ten Weeks, to be reckon'd from the Day of the Date of this preſent Article.

In Witneſs whereof, we have ſign'd it with our own Hands, and ſeal'd it with the Seal of our Arms at *Barcelona*, the 10th Day of *July*, 1707.

James Stanhope. (L. S.)

Antonio Florian Prince of *Lichtenſtein.* (L. S.)

I the Count of *Oropeza.* (L. S.)

Admiral of *Aragon.* (L. S.)

Follows the Tenour of the Commiſſion by the moſt Serene King of Spain.

CHARLES III. King of *Caſtile*, *Leon*, *Aragon*, and both *Sicilys*, of *Jeruſalem* and the *Indies*, &c. Archduke of *Auſtria*; Duke of *Milan*, *Burgundy*, and *Brabant*; Count of *Hapsburg*, *Flanders*, and *Tirol*, &c. Since 'tis highly expedient again to eſtabliſh the Friendſhip and very antient Leagues that have been obſerv'd for ſo many Years betwixt the Kings of *Spain* and *Great Britain*, and for the common and greater Advantage of both Nations, ſo to confirm them by the Bonds of Commerce and perpetual Trade, as they may never be violated by the Viciſſitudes of Time; and knowing that the moſt Serene and Potent Queen of *Great Britain*, our good Siſter, has for that end given ſufficient Authority and full Powers to *James Stanhope* her Envoy Extraordinary: Being therefore deſirous, that this good Work may be the ſooner brought to Perfection, and ſince we know the Faithfulneſs, Prudence and Ability for diſpatching Buſineſs, of *Anthony Florianus* Prince of *Lichtenſtein* in the Holy *Roman* Empire, Duke of *Kicolſpurg*, *Oppaw* and *Jagendorf* in *Sileſia*, Count of *Ritberg*, Hereditary Lord in *Rumsburg* and *Hauſkyrchen*, Knight of the Golden Fleece, one of

our

our Privy Council, and Chief Preſident of our Court and Stable; alſo *Emanuel Joachim Garci Alvarez a Toledo Portugal, Cordova, Zuniga, Pimentel, Requeſens, Monroi*, and *Ayala*, Count of *Oropeza, Alcaudete, Belbis* and *Deleitoſa*, Marquiſs of *Flechilla, Villar* and *Jarandilla*, and Hereditary Lord in *Montemayor, Cebolla* and *Baldarago*, Royal Sword-Bearer in the Kingdoms of *Caſtile* and *Leon*, Commendator of *Albanilla*, of the Illuſtrious Order of *Calatrava*, one of our Privy Council and Bed-Chamber, and Captain General of the Kingdom of *Toledo*, and of the Provinces of *New Caſtile*; and *Joſeph Folc a Cardona, Eril* and *Borſa*, Count of *Cardona*, Great Admiral of *Aragon*, Knight of the Great Croſs, and Lieutenant General of the Illuſtrious Order of *Monteſſa*, and alſo our Privy Counſellor. Not doubting but they will execute their Commiſſion with all the Exactneſs that an Affair of ſo great weight requires, We have willingly decreed to give them full Power and Authority, and likewiſe a General and Special Command, as by virtue of theſe Preſents we do give and grant, that they may treat and eſtabliſh with the ſaid *James Stanhope*, who has the like full Power and Authority from the Queen of *Great Britain*, whatever ſhall be thought fit to be done and agreed on relating to the foreſaid Affair of perpetual Friendſhip, Leagues and Commerce; promiſing that we ſhall approve, ratify and eſtabliſh whatever our foreſaid Commiſſioners and Plenipotentaries conclude and pro-

miſe in our Name, and confirm the ſame by Oath, with all the Solemnities requiſite to make it more firm, within the time prefix'd: and we ſhall carefully endeavour that the ſame be exactly and irrevocably put in Execution. In Teſtimony of which, we have ſign'd theſe Preſents with our Hand, order'd them to be confirm'd by our Seal, and counterſign'd by our Underwritten Secretary. Dated at *Barcelona*, *June* the 30th 1707.

Sign'd, *CAROLUS.*

Subſcrib'd by Command of his Royal and Catholick Majeſty,

Joannez Antonius Romeo and *Anderaz.*

Follows

Follows the Tenor of the Commiſſion by the moſt Serene Queen of Great Britain.

ANNE R.

ANNE, by the Grace of God, Queen of *Great Britain*, *France*, and *Ireland*, Defender of the Faith, *&c.* To all and ſingular to whom theſe Preſents ſhall come, Greeting. Since it has pleas'd the Great and Good God ſo far to bleſs our Arms, and thoſe of our Confederates, that now a large part of the *Spaniſh* Dominions, in *Spain* and the *Netherlands*, is reſtor'd to the Houſe of *Auſtria*, in the Perſon of the moſt Serene and Potent Prince *Charles* III. the Catholick King of *Spain*, our good Brother; and that there's no doubt, but by the Bleſſing of God the ſaid King may be firmly eſtabliſh'd in a ſhort time on the Throne of his Anceſtors: We have reſolv'd to renew the antient Leagues betwixt the Kingdoms of *Great Britain* and *Spain*, and to confirm them by ſtricter Ties of Friendſhip, and ſuch further Terms for Commerce, as ſhall be found moſt for the advantage of both Nations. Know ye therefore, that placing much Confidence in the Fidelity, Prudence, and Diligence of our Truſty and Well-beloved *James Stanhope*, our Envoy Extraordinary to the ſaid King, we have made, conſtituted, and appointed him to be our true and certain Commiſſioner, Deputy, and Plenipotentiary, giving and granting to him full and ample Power and Authority, and alſo a

general

general and ſpecial Command to treat in our Name with the ſaid Catholick King, and his Commiſſioners, Deputies, and Proctors, having ſufficient Power for this purpoſe, about preſerving and increaſing the antient Friendſhip; and for that end to renew and more ſtrictly confirm the Articles of antient Treaties betwixt both Kingdoms, and alſo about the Liberty and Frequency of Commerce betwixt our Subjects on both ſides (as he ſhall find it convenient for the common Advantage of both Nations) to commune, treat, agree, and conclude upon the moſt profitable and convenient Articles and Conditions, and of doing all and every other thing or things which may make and conduce towards the Ends aforeſaid, or any of them; and upon theſe things to diſpatch Articles, Letters, and neceſſary and proper Inſtruments: promiſing *bona fide*, and on our Royal Word, to agree to, ratify, and confirm all and ſingular that ſhall be done, covenanted and concluded betwixt the above-mention'd King, his Proctors, Deputies, and Commiſſioners, and our ſaid Envoy Extraordinary, on the Premiſes or any of them; and whatever ſhall be promis'd in our Name, faithfully and inviolably to obſerve, and cauſe to be obſerv'd. In Teſtimony whereof, we have made theſe Letters to be drawn up, ſign'd with our Hand, and confirm'd them with our Great Seal of *England*.

Given at our Palace of Kenſington, Nov. 21. *Anno Dom.* 1707. *and the Fifth of our Reign.*

WE

WE having ſeen and conſider'd the Secret Article above-mention'd, have approv'd, ratify'd, agreed to, and confirm'd the ſame, as by theſe Preſents, for Our ſelves, our Heirs, and Succeſſors, we do approve, agree to, and confirm the ſame; engaging, and on the Word of a King promiſing, that we ſhall ſtrictly and religiouſly obſerve, and cauſe to be obſerv'd, all and ſingular what is contain'd in the ſecret Article above-mention'd, and as far as in us lies, ſhall not ſuffer it to be violated by any body, in any thing. And for the greater Certainty and Confirmation of this, we have ſign'd theſe Preſents with our Royal Hand, and commanded our Great Seal to be thereunto affix'd.

Given at our City of Barcelona, *the 9th of* January, *Anno Dom.* 1708.

CAROLUS *R.*

Enroll'd in the Court of *Chancery* of our Sovereign Lady *ANNE*, Queen of *Great Britain*, &c.

per Jonath. Gorſtelowe Snow, Prothonotar.

FINIS.